

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CSX TRANSPORTATION, INC
500 Water Street
Jacksonville, FL 32202-4423

Plaintiff

v.

PORT ERIE PLASTICS, INC
909 Troupe Road
Harborcreek, PA 16421

Defendant.

CIVIL ACTION

CASE NO. 05-139 Erie

JOINT REPORT OF THE PARTIES CONCERNING RULE 26(f) DISCOVERY PLAN

The parties, by and through their undersigned counsel, hereby submit their Joint Report of the Rule 26(f) discovery plan as required by the Preliminary Scheduling Order entered by the Court on September 19, 2005.

Counsel for the parties met telephonically on September 26, 2005. Counsel reached agreement on and propose the following with respect to discovery in this matter:

1. Counsel agree that no changes are necessary in the timing, form, or requirement for disclosure under Fed. R. Civ. P. 26(a). With respect to those disclosures required under Fed. R. Civ. P. 26(a)(1) counsel agreed to make those disclosures on October 17, 2005, and said disclosures have been made;
2. Counsel agree that discovery in this matter will be limited to plaintiff's claims for rail car demurrage and the available defenses thereto including but not limited to the control and title of the freight and rail cars in which

the freight was shipped Counsel agree that all fact discovery can be completed by February 1, 2006.

3 Counsel agree that no changes in the limitations on discovery imposed under either the Federal or local rules are necessary.

4. At this time, counsel are unaware of any other orders that should be entered by the Court under Rule 26(a) or under Rule 16(b) and (c).

Respectfully submitted,

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Attorneys for Plaintiff
CSX Transportation, Inc.

Dated: October 26, 2005

Certificate of Service

I, Charles L. Howard, hereby certify that on this 26th day of October, 2005, I caused a true and correct copy of the foregoing **JOINT REPORT OF THE PARTIES CONCERNING RULE 26(f) DISCOVERY PLAN** to be made available to the following attorney for the defendant identified below *via* Electronic Case Filing:

Richard J. Parks
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/s/ Charles L. Howard